



2833 Brakley Drive
Baton Rouge LA 70816
Voice 225-293-2844
Fax -225-292-3007
Email gerincon@ctginc.net

December 16, 2004

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th St., SW
Suite TW-A325
Washington, D.C. 20554

Re: WC Docket No. 04-405

We are an IT services firm providing Internet services in Baton Rouge LA. We serve the 225, 337,985, and 504 area codes with Dialup, DSL, and T-1 and IT services. We respectfully submit our comments on BellSouth Telecommunications, Inc. "Petition for Forbearance under 47 U.S.C. §160(c) From WC Docket No. 04-405".

Current Computer Inquiry Rules have long gone un-enforced. The constant misuse of CPNI and the breaking of rules already in place is a clear indication that the ILECS will have more room and power to once again monopolize the marketplace if this petition is granted.

Instead of granting forbearance, the FCC should enforce the current rules and regulations. Granting forbearance will give ILECS full and total control over the market place and will ensure that the playing field will be to their total advantage.

In order to prove to this committee that this "modus operandi" is common and frequent throughout the market place, I will enumerate some of my local clients whose services have been moved from the official provider (Computer Technologies - the provider of record that has the current letter of authorization) to the ILEC's network.

Gavin's Food Market, Baton Rouge
Barry Miller, Esq. , Baton Rouge
Friendly Yamaha, , Baton Rouge
Leblanc & Associates, Baton Rouge
Sunset Mortgage, Baton Rouge

These clients/consumers were moved to the BellSouth network and taken away from CTG's network, without a letter of authorization from the consumer.

This has caused my clients/consumers and my staff to:

- Spend many hours of **unpaid** additional work
- Many hours of down-time and loss of productivity for the consumer.
- Consumer cannot perform their daily work, such as email, communicate with vendors/customers.
- Costs of 3 - 4 man-hours troubleshooting the problem which is not billable to the consumer since it is not something they did.
- Consumer loses DSL service (outage) for at least 24 hours. This causes harm to the consumer's bottom line.

I actually lost one of these clients to Bellsouth because of their comments to my client that ". Our services are not as good as theirs. This has cost us not only the loss of the DSL circuit, but also the other services that I would have provided for this new client.

The truth of the matter is that the ILECS use predatory and unfair tactics to further their growth.

Another reason for not granting this petition is that for us to provide services to our clients, we are forced to buy a bundled product from BellSouth. BellSouth does not offer un-bundled DSL transport facilities for Non-affiliated ISPs. For example, when we order a circuit to provide DSL Internet access via DSL for our client, there is a requirement that dial tone (A voice circuit) is on the line. Cable Companies such as Cox Cable do not force consumers to buy a bundled service when ordering internet access. Why are we being charged for dial tone if it is not needed? This makes the cost to the end-user higher. In Florida, a consumer can have BellSouth DSL Internet service on a stand-alone copper pair without dial-tone, if the consumer had FASTACCESS® service before switching to a CLEC for telecom service. Obviously, the issue is not a technical matter. The Florida PSC required it and it was implemented by the RBOC.

By enforcing Title II and III Computer Inquiries, instead of granting Forbearance, we can all work on a more level playing field; the public will be the ultimate recipient of the best services.

Bellsouth is also asking for Forbearance because it is costing them \$3.50/client to maintain a separate subsidiary. Having a subsidiary Company was a requirement that was agreed to so that BellSouth would be allowed to provide Long Distance to end-users.

We as citizens have paid tax dollars, to have our communications infrastructure enhanced. The ILECS have taken advantage of this and used Government incentives to grow their businesses while putting fiber in the ground.

Because the FCC has already ruled that the ILECS do not have to open their fiber infrastructure (FTTH, FTTC) to non affiliated Companies, once copper is no longer the transport of choice because of the limitations this medium has with respect to transport speed and limitations on distance and because copper will no be able to support upcoming applications and services, we as providers will have been curtailed access to

the fiber network that has been mostly paid for by the taxpayers. This is once again, an attempt to monopolize the markets. This extremely important issue has to be addressed and kept in mind when deliberating this petition.

We are a small, yet innovative company. We provide services to our customers that no ILEC/RBOC can or will ever provide. We design and implement Broadband Internet, HIPAA compliant networks, remote data storage, Virtual Offices, VPN's, IP Cameras for real-time surveillance as well as email, with filtering for spam and viruses.

We add value to the basic communications services that the ILECS provide. By granting forbearance, the FCC is stifling competition and innovation, as well as hurting the consumer because they will have fewer options and services. The ultimate result of granting forbearance will be the re-emergence of the Monopolies that the Telecom Act of 1996 and its predecessors were created for.

Additionally, BellSouth is requesting that Forbearance be granted based on meeting three criteria in section 10 of the Act.

The following two items would not be met;

“Forbearance is consistent with the public interest”

“Enforcement is not necessary for the protection of the consumer”

Removing the common carriage Carrier Regulation would allow BellSouth to decide who would get service and at what rate with out proper regulation. This means that Independent ISP's such as us would be at the mercy of the ILEC. Additionally, the consumer would ultimately be hurt because they would have fewer choices and eventually the prices would rise and the service would diminish.

Thank you for your time and consideration.

Gabriel E Rincón
President,
Computer Technologies Group, Inc.